

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DAVID LANKFORD and
LEE ANN LANKFORD,

Plaintiffs,

v.

CIV 17-0668 KBM/GBW

UNITED STATES DEPARTMENT
OF JUSTICE,

Defendant.

ORDER

THIS MATTER came before the Court on Plaintiffs' Motion to Amend Complaint (*Doc. 6*) filed July 7, 2017. Pursuant to Federal Rule of Civil Procedure 15(a)(1), "[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a). According to the docket in this case, Plaintiffs have not yet served their original complaint, which was filed on June 21, 2017. See *Doc. 1*. Accordingly, they do not require leave of this Court to amend it once as a matter of course at this stage of the proceedings.

THEREFORE, the Court finds Plaintiff's Motion to Amend Complaint to be moot. Plaintiffs are free to file their proposed Amended Complaint at any point prior to a defendant filing a responsive pleading.


UNITED STATES CHIEF MAGISTRATE JUDGE